

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARNELL MCGARY,

Plaintiff,

v.

JAY INSLEE,

Defendant.

CASE NO. C23-5388 BHS

ORDER

THIS MATTER is before the Court on its own motion. The Court dismissed the bulk of McGary's claims in early September 2023, and warned him that in the absence of proof of proper service under Federal Rule of Civil Procedure 4, the rest of the case would be dismissed. Dkt. 64. McGary filed two additional motions, Dkts. 65 and 66, but has yet to demonstrate that he has properly served defendants Lujan Grisham or Manuel Gonzalez.

On October 4, McGary filed an "affidavit," again asserting that he served Grisham and Gonzalez (and Brown, who has already been dismissed) "by certified first class mail." Dkt. 69 at 2. As the Court has repeatedly informed McGary, that is not effective service under Federal Rule of Civil Procedure 4. *See* Dkts. 38, 48, 57, 67.

1 Under Rule 4(m), proper service must be accomplished within 90 days of filing,
2 absent a showing of good cause to extend the time for service. This case was filed May 1,
3 2023, far more than 90 days ago.

4 McGary is therefore **ORDERED** to **SHOW CAUSE** in writing within 10 days
5 why this matter should not be dismissed for failure to timely and properly serve any
6 remaining defendant. If he fails to do so, the matter will be dismissed without further
7 notice.

8 IT IS SO ORDERED.

9 Dated this 6th day of October, 2023.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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